

NOMINATIONS

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HEARING BEFORE THE COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE NINETY-NINTH CONGRESS

FIRST SESSION

ON

MARSHALL B. BABSON, OF CONNECTICUT, AND WILFORD W. JOHANSEN, OF CALIFORNIA, TO BE MEMBERS OF THE NATIONAL LABOR RELATIONS BOARD

MAY 8, 1985



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NOMINATIONS

WEDNESDAY, MAY 8, 1985

UNITED STATES SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m., in room SD-430, Dirksen Senate Office Building, Hon. Don Nickles presiding.

Present: Senators Hatch, Nickles, Grassley, Pell, and Dodd.

Senator GRASSLEY, Mr. Chairman, could I ask unanimous consent to put a statement in the record in regard to the hearing of these nominees that are—

The CHAIRMAN. Without objection so ordered.

Senator GRASSLEY. Senator Nickles, as chairman, can I make sure the request that was just approved by Senator Hatch in regard to a statement on the hearing that we are going to have on these nominees for the NLRB—I would like to insert that into the record.

Senator NICKLES. We will be happy to include your statement in the record.

Senator GRASSLEY. I may have some questions I will want to submit in writing, too.

Senator NICKLES. Certainly, Senator and we appreciate your interest.

Mr. Johansen and Mr. Babson, if you will join us at this time.

First, I will enter into the record a statement on behalf of Senator Hatch, chairman of the full committee, as well as Senator Grassley's statement concerning the two nominations to the National Labor Relations Board, Mr. Wilford Johansen of California, and Mr. Marshall Babson of Connecticut. Their statements will be entered in full at this point in the record.

[The statements of Senators Hatch and Grassley follow.]

OPENING STATEMENT OF SENATOR HATCH

Mr. Chairman, today the committee is considering two nominations to the National Labor Relations Board—Mr. Wilford Johansen of California and Mr. Marshall Babson of Connecticut.

The National Labor Relations Board is a five-member, quasi-judicatory agency responsible for enforcing the National Labor Relations Act. Its mandate is twofold: First, to oversee representation cases by which employees decide whether to be represented by a union; second, the Board adjudicates unfair labor practice cases brought against employers and unions.

This year the agency reached an historic milestone; 50 years ago, in 1935, Congress enacted the Wagner Act, which established the NLRB. Over this half century, the act has undergone major revision on two occasions in 1947, with the Taft-Hartley Act, and in 1959, with the Landrum-Griffin Act. Yet, the Board has maintained a consistent record of efficiency and integrity.

Of course, the Board has not been beyond criticism. It has been plagued at times, and especially in recent years, with case backlogs and concomitant delays. But then the Board has not enjoyed a full complement of members since August 1983. Moreover, I think some of this criticism against the Board has not been entirely objective. It ignores, for example, that two-thirds of all unfair labor practice charges filed with the NLRB regional offices are found not to have merit. Of the remaining one-third, over 90 percent are settled between the parties before any complaint issued by the regional office. Thus, only a relatively small number of cases ever reach the Board itself for resolution. Still, these cases are important and are deserving of speedy resolution as any other dispute. I am hopeful that the committee will act expeditiously in recommending confirmation of these nominations. To tie them up unnecessarily in committee will ultimately work to the disadvantage of the working men and women of this country who enjoy the protections of the National Labor Relations Act.

I have had an opportunity before today to meet Mr. Johansen and Mr. Babson personally. I can say unequivocally that the President has made a fine selection in these gentleman. They are both men of integrity and intelligence, who will bring a wealth of professional experience to the Board. I know that they will apply the law fairly and evenhandedly.

[The prepared statement of Senator Grassley follows:]

Statement of Senator Grassley at Labor Committee hearing on
the nominees to the National Labor Relations Board
May 8, 1985

MR. CHAIRMAN, FOR 10 YEARS, BETWEEN THE YEARS 1961 AND 1971, WHEN I WORKED AT THE WATERLOO REGISTER COMPANY IN CEDAR FALLS, IOWA, I WAS A VOLUNTARY MEMBER OF A LABOR UNION, THE INTERNATIONAL ASSOCIATION OF MACHINISTS. WHEN THE UNION WENT OUT ON STRIKE, I WENT OUT ON STRIKE; IN FACT, I VOTED IN FAVOR OF THE MOTION TO STRIKE AT THE UNION MEETING. I WELL REMEMBER HOW MUCH I VALUED, AT THAT TIME, THE ADVANTAGES I ENJOYED BECAUSE I WAS REPRESENTED BY A UNION THAT COULD EXERT REAL POWER ON MY BEHALF AND ON BEHALF OF MY FELLOW EMPLOYEES IN DISPUTES WITH MANAGEMENT. I CONTINUE TO BELIEVE THAT COLLECTIVE BARGAINING AND UNION REPRESENTATION PLAY AN IMPORTANT ROLE IN SAFEGUARDING THE RIGHTS OF WORKERS.

AS A FORMER UNION MEMBER I UNDERSTAND VERY WELL THE IMPORTANCE OF THE NATIONAL LABOR RELATIONS BOARD. THE NLRB IS CHARGED WITH REGULATING THE ACTIVITIES OF EMPLOYERS AND LABOR UNIONS SO AS TO HELP ENSURE THAT THE FUNDAMENTAL ECONOMIC RIGHTS OF WORKERS ARE PROTECTED. IN ORDER TO ACCOMPLISH THAT GOAL, THE NLRB SAFEGUARDS EMPLOYEES' RIGHTS TO ORGANIZE, HOLDS ELECTIONS TO DETERMINE WHETHER WORKERS WANT UNIONS AS THEIR BARGAINING REPRESENTATIVES, AND PREVENTS AND REMEDIES UNFAIR LABOR PRACTICES BY EMPLOYERS AND LABOR ORGANIZATIONS OR THEIR AGENTS.

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I HAVE ALSO COME TO REALIZE, MR. CHAIRMAN, THAT THE NLRB MUST PERFORM A DELICATE BALANCING ACT, FOR IT IS RESPONSIBLE NOT ONLY FOR PROTECTING THE RIGHTS OF WORKERS FROM INFRINGEMENT BY EMPLOYERS, BUT ALSO FOR PROTECTING THE RIGHTS OF WORKERS FROM INFRINGEMENT BY LABOR UNIONS AND THE RIGHTS OF EMPLOYERS FROM INFRINGEMENT BY WORKERS AND LABOR UNIONS.

THE BOTTOM LINE IS THAT THE NLRB CANNOT ALLOW ITSELF TO BECOME AN ADVOCATE FOR ONE GROUP OVER ALL THE OTHERS. IT MUST BE PREPARED TO TAKE ACTION AGAINST EMPLOYERS WHO WOULD DENY THE RIGHT TO BARGAIN COLLECTIVELY AND TO BE REPRESENTED BY A UNIONS TO THEIR WORKERS.

IT MUST ALSO BE PREPARED TO TAKE ACTION AGAINST LABOR UNIONS WHEN THEY RESORT TO UNFAIR LABOR PRACTICES TO EXTRACT CONCESSIONS FROM EMPLOYERS. THE NLRB MUST EVEN BE PREPARED TO TAKE ACTION AGAINST LABOR UNIONS WHEN THEY RESTRAIN AND COERCE EMPLOYEES IN THE EXERCISE OF RIGHTS GUARANTEED BY THE NATIONAL LABOR RELATIONS ACT, PARTICULARLY THE RIGHT TO REFRAIN FROM CERTAIN UNION SPONSORED ACTIVITIES.

MR. CHAIRMAN, IN ADDITION TO ITS "NORMAL" CHALLENGES, THE NLRB IS FACING PERHAPS THE LARGEST CASE BACKLOG SINCE ITS INCEPTION. I HOPE THE COMMITTEE WILL CONSIDER THE NOMINATIONS OF MR. BABSON AND MR. JOHANSEN CAREFULLY BUT WITHOUT UNDUE DELAY. IT IS IN THE BEST INTERESTS OF AMERICAN WORKERS AND EMPLOYERS TO HAVE A FULLY FUNCTIONING NLRB, COMPOSED OF CAPABLE AND IMPARTIAL PUBLIC SERVANTS.

Senator NICKLES. Gentlemen, we welcome you.

Senator Pell, do you have a statement?

Senator PELL. Thank you, Mr. Chairman. I have an opening statement welcoming the two nominees to the Board. I look forward to hearing their views and, if I am not here, to reading their views.

I believe that the role of the Board is a fair one and these are very important appointments, and ask that the balance of my statement be inserted into the record as if read. I will also leave some questions which I would like to have put to the nominees in writing.

Senator NICKLES. Certainly, we will be happy to. We will submit those questions to the nominees and request a prompt answer of those, if possible.

[Senator Pell's opening statement follows:]

OPENING STATEMENT OF SENATOR PELL

Senator PELL. I would like to welcome the nominees to this committee hearing.

Throughout its history, the National Labor Relations Board received the respect of both industry and labor, employer and employee. Recently, however, the Board has become the subject of controversy and some doubt as to its role in resolving labor disputes has been raised.

I would like to see that respect in the Board, in its personnel and in its decisions, restored. As a nation, we need to ensure that disputes between labor and management are resolved, and resolved fairly to ensure stability in the private sector.

I look forward to hearing the views of these nominees and to learn what they believe the role of the Board should be in intervening in these matters; and what they believe their role as a Board member, if confirmed, will be.

Senator NICKLES. Senator Dodd, did you have—

Senator PELL. Forgive me. I expect them to answer them before we vote on them in the committee.

Senator NICKLES. Certainly.

Senator PELL. Thank you.

Senator NICKLES. Senator Dodd, do you have any comments?

Senator DODD. Well, Mr. Chairman, I am delighted to welcome Marshall Babson from Connecticut here this morning, along with his family, as a nominee for the NLRB. As you pointed out in your introduction of him, he is from Connecticut, practices with a very distinguished law firm, Wiggin & Dana, in New Haven, CT.

He is a graduate of Columbia Law School and the University of Pennsylvania, and has worked in the labor law field virtually his entire professional career, if I am not mistaken, or 95 percent, at least, in that arena.

He has earned a reputation of being a very competent and thorough lawyer. He has represented, I think, almost exclusively employers before the NLRB, and EEOC, and OSHA, and so forth. But I must point out to you, Mr. Chairman, that a number of people from our local labor unions in the New Haven area called me specifically to commend Mr. Babson for our approval.

He has met, I know, in this city something that I do not think has been done that often, frankly, by nominees in this administration—spent, I think, a lengthy session with people from the AFL-CIO at his request to go over and talk with them, to discuss whatever differences there may be.

And I think everyone who had a chance to talk with him, while they did not all agree with him—and our reason for existing here is not to necessarily find out whether everyone agrees with him or not. But I think they found an individual who is highly competent and knows what he is talking about.

I am delighted to welcome him here today. I had a chance to talk with him myself and I intend to support his nomination, and hope that we can deal with it expeditiously.

So I welcome you, Mr. Babson, and welcome your family as well to this hearing this morning. I will be anxious to hear your testimony and that of your seatmate there as well. I thank you for coming.

Thank you, Mr. Chairman.

Senator NICKLES. Senator Dodd, we appreciate your comments and your statements on behalf of Mr. Babson.

I would like to include in the record a statement on behalf of Senator Pete Wilson in support of Mr. Wilford Johansen. I understand that Senator Wilson is ill today and will not be able to be with us, but his statement will be included in the record at this point.

[The following was received for the record:]

REMARKS BY THE HONORABLE PETE WILSON

MR. CHAIRMAN,

I AM PLEASED TO INTRODUCE TO YOU A DISTINGUISHED CALIFORNIAN, WILFORD "BUD" JOHANSEN, FOR CONFIRMATION TO THE POSITION OF NATIONAL LABOR RELATIONS BOARD MEMBER.

BUD JOHANSEN COMES TO THAT AGENCY WITH A UNIQUE GRASP OF THE BOARD'S HISTORY AND PROCEDURES. HE HAS SERVED AS A BEGINNING ATTORNEY AND MOVED THROUGH THE RANKS TO THE POSITION OF ATTORNEY ADVISOR AT THE WASHINGTON OFFICES; MOST RECENTLY HE HEADED THE INTERESTING REGION 21 OFFICE. HE EXPEDITIOUSLY HANDLED COMPLEX CASES DEALING WITH THE BUILDING AND CONSTRUCTION TRADES AS WELL AS THE MARITIME INDUSTRY. BUD WAS KNOWN FOR HIS EVEN HANDED APPROACH; HE NEVER RUSHED TO JUDGEMENT, AND YET HE ALWAYS MAINTAINED HIGH PRODUCTIVITY FIGURES IN HIS OFFICE. AS A PRESIDENTIAL APPOINTEE TO THE POSITION OF ACTING GENERAL COUNSEL, BUD IMPLEMENTED A NEW AND VERY SUCCESSFUL TRAINING PROGRAM FOR NLRB FIELD ATTORNEYS.

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BUD AND HIS WIFE, PATRICIA, ARE VERY MUCH INVOLVED IN COMMUNITY SERVICE, WITH SPECIAL INTEREST IN THE AMERICAN CANCER SOCIETY FUND RAISING ACTIVITIES. THIS YEAR THEY WILL CHAIR AN AUCTION RAISING APPROXIMATELY \$70,000. THEY HAVE TWO SONS, ERIC, CURRENTLY ATTENDING HARBOR COLLEGE MAJORING IN JOURNALISM, AND EVAN, A GRADUATE OF THE UNIVERSITY OF DENVER, WITH A MAJOR IN HOTEL AND RESTAURANT MANAGEMENT.

MR. CHAIRMAN, WILFORD "BUD" JOHANSEN BRINGS A SPECIAL PROFESSIONALISM TO THIS POSITION WHICH WILL SERVE THE AGENCY, THE PRESIDENT AND THE NATION WELL. I LOOK FORWARD TO HIS SUCCESSFUL TENURE.

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Senator NICKLES. Mr. Babson, would you care to proceed?

STATEMENT OF MARSHALL B. BABSON, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD, AND WILFORD W. JOHANSEN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. BABSON. Thank you very much, Senator Nickles. First, I would just like to thank the Senators very much for the opportunity to appear here this morning. I would particularly like to thank you, Senator Dodd, for your kind remarks, and I am very proud and pleased to be here.

I have a very brief statement which I have prepared which I would like to read, if that is all right, Senator Nickles. I am very honored and proud to appear before you today as one of President Reagan's nominees to the National Labor Relations Board.

I had the opportunity to attend my first representation hearing before the National Labor Relations Board almost 12 years ago when I clerked as a first year law student in New York City. Since that time, I have devoted the better part of my professional career to specializing in labor and employment-related matters.

It has been a privilege for me to represent many clients in matters arising under the National Labor Relations Act in labor negotiations, arbitrations, employment discrimination cases and related employment matters during my career, and I am very honored to have the additional privilege of appearing before this committee as a nominee to the NLRB.

This year is the 50th anniversary of the National Labor Relations Board. No one can doubt the importance of the National Labor Relations Act to employees, to unions, and to employers.

Although I have acted as an advocate before the Board during the past 10 years, I recognize that my role as a member of the Board is to be a fair and impartial adjudicator of the many important issues which come before the agency.

In this anniversary year, it is particularly appropriate that we rededicate ourselves to the policies and principles of the act to encourage the practice and procedure of collective bargaining by protecting the rights to full freedom of association and free choice, self-organization, and the designation of collective bargaining representatives.

I pledge to you my commitment to these principles and my commitment to be a fair and impartial member of the Board. I shall endeavor to work to the best of my abilities and in the highest traditions of my profession.

Thank you.

Senator NICKLES. Thank you very much, Mr. Babson.

Senator Dodd, if you do not have any objection, I will ask Mr. Johansen to make his statement as well.

Senator DODD. Absolutely.

Senator NICKLES. Mr. Johansen.

Mr. JOHANSEN. Thank you. Mr. Chairman and members of the committee, it is an honor and a privilege to appear before you today as one of President Reagan's nominees to be a member of the National Labor Relations Board. I wish to express my appreciation

to the Labor and Human Resources Committee for scheduling a hearing on my behalf and affording me the opportunity to address you.

I have submitted a biographical statement to the committee. I have spent 26 years as an attorney with the National Labor Relations Board. As a career Board employee, I am especially honored by the President's nomination.

My fascination with labor law began in law school. Upon graduation, I applied for an attorney position with the National Labor Relations Board and was hired as a field attorney for the Los Angeles regional office, region 21. After a tour of duty as a trial attorney in the regional office, I transferred to the general counsel's staff in Washington, DC. I was a deputy assistant general counsel and served as liaison between the general counsel and the regional offices.

In 1971, I was named as regional director in Los Angeles, region 21, and I have served in that capacity since that time. Last year, the President designated me as acting general counsel of the Board, and I held that position for approximately 6 months.

As a regional director, I am responsible for administering and enforcing the National Labor Relations Act, as amended, on behalf of the Board and the general counsel in the southern California area.

As you know, the purpose of the act is to serve the public interest by eliminating interruptions of the free flow of commerce caused by industrial strife. The act is one of the most significant and controversial Federal statutes ever passed by Congress.

Because the act is so important to the country, to labor and management, and to the individuals whose rights it protects, the Board administers the act with complete fairness, objectivity, and unquestioned neutrality. This is the mandate of Congress.

I have always been proud of the Board and of the fact that I work for an agency of the U.S. Government that did indeed perform its mission as Congress intended. Congress left substantial discretion to the Board, and there have been, and always will be, opposing views as to the proper interpretation of the act by the Board and the courts.

During my tenure, the Board has been variously viewed as anti-management or antilabor. In fact, every decision reached by the agency through its directors, the general counsel, and the Board is antisomeone.

If Board decisions satisfied all the parties, the significance of the act as a force for labor-management stability would be destroyed and the intent of Congress violated.

In the end analysis, however, the rights of employees are protected and the environment of labor-management relations is governed by law. I have a great deal of respect for that process.

In the cases in which I have been involved, I have always strived to bridge and balance the strong contending views of the parties, to be objective, to insure that the policies of the act are preserved and, above all, to consider all parties' views fairly and impartially. I pledge to you that if confirmed, I will continue to perform my duties as a Board member in the same consistent, impartial, and open manner.

I understand the responsibilities assigned to the Board and I look forward to meeting them. I deeply believe that our industrial peace and stability are well served by this law and I am dedicated to its purpose.

Again, I appreciate the opportunity to appear and speak to you today and I look forward to working with you in the future. I welcome the opportunity to answer any questions you may have pertaining to my nomination.

Thank you.

Senator NICKLES. Thank you very much, Mr. Johansen.

Mr. Babson, I have a few questions for both of you. Other Senators also have additional questions and we would appreciate it if both of you would answer them as soon as possible to expedite your confirmation by the Senate.

Mr. Babson, shortly after your nomination was announced, we heard from some quarters of organized labor that you were not an ordinary labor law practitioner, but rather a labor-management consultant; that is, one who spends a substantial amount of time helping employers resist organizing campaigns.

Is there any truth to that characterization? Could you tell the committee a little more about your labor practice?

Mr. BABSON. Such a characterization would be inaccurate, Senator Nickles. Since graduating from law school in 1975, I have spent all of my time providing legal advice to clients with labor problems, both problems that arise under the National Labor Relations Act and other employment-related issues.

I and my firm have never engaged in so-called persuader activities. I have never given speeches to employees. We do not publish or prepare documents which are to be circulated to employees, and so forth.

Our role has been that of legal adviser, representing clients before the various administrative agencies, including the National Labor Relations Board, and giving them counsel, hopefully, before it may become necessary to appear before such an agency.

Senator NICKLES. Have you ever filed reports with the Department of Labor that would be required under section 203(b) of Landrum-Griffin?

Mr. BABSON. No, sir.

Senator NICKLES. In a similar vein, a question has been raised whether you can be an impartial member of the Board, given your exclusive representation of employers over the past 10 years.

Would you care to comment on that?

Mr. BABSON. I would say this, Senator, as I said in my opening remarks: This is a great honor for me to have been nominated by the President. I have spent my entire professional career appearing before the Board. I have a great deal of respect for the agency and the process.

I realize clearly that I am not being asked to go to the Board as an advocate. I have spent the better part of my life being trained to be a legal professional and I pledge to you and this committee that I shall not be an advocate, but shall enforce, so far as I am able, the intent of Congress with regard to the National Labor Relations Act.

Senator NICKLES. Two years ago, the Board voted to take a more active role in overseeing the enforcement activities of the general counsel both in respect to work product and personnel.

How familiar with the details of the Board's actions and the new arrangement which has been reached with the general counsel are you?

Mr. BABSON. I am not familiar with the details. I am generally familiar with the issue or issues involved, and if I am confirmed, I obviously want to address whatever questions arise.

I will say that I am keenly aware of the separation of roles of the general counsel and the Board as embodied in the Taft-Hartley amendments, and I again pledge to this committee my intention to give full effect to Congress' desires in that statute.

Senator NICKLES. Have you discussed this, by any chance, with members of the Board or the general counsel?

Mr. BABSON. I have not discussed the issues involved in the separation question.

Senator NICKLES. I think, of course, that the central concern raised by this matter is whether the general counsel can recognize the legitimate interests of the Board in having its views correctly advocated in enforcement proceedings without compromising the independence of the general counsel as prosecutor.

Can you commit to the committee that should further action be proposed in this matter that you will resolve it in such a way that preserves the independence of the office of general counsel as a statutory responsibility?

Mr. BABSON. Absolutely.

Senator NICKLES. Thank you very much.

Mr. JOHANSEN. How many years of experience have you had in working with—

Mr. JOHANSEN. About 26.

Senator NICKLES. About 26?

Mr. JOHANSEN. Yes, 26, 27.

Senator NICKLES. You have been regional director of the Los Angeles office since 1971?

Mr. JOHANSEN. That is right.

Senator NICKLES. How many people work in the Los Angeles office?

Mr. JOHANSEN. Right now, we have about 62.

Senator NICKLES. What percentage of those are, say, attorneys?

Mr. JOHANSEN. Well, let us see, about 35 attorneys, probably, and field examiners, and then clerical staff.

Senator NICKLES. I would also like to ask you the same question which I asked Mr. Babson on the relationship between the Board and the general counsel. Last year, you were privileged to serve as acting general counsel for a little less than 1 year?

Mr. JOHANSEN. Well, it was about 6 months, from the end of April until around the middle of October.

Senator NICKLES. Were you satisfied that the arrangement which had been worked out between the Board and the previous general counsel did not impair the independence of the general counsel's office?

Mr. JOHANSEN. Yes; it did not.

Senator NICKLES. Since your nomination, have you discussed the matter with any members of the Board?

Mr. JOHANSEN. No, I have not.

Senator NICKLES. As I indicated to Mr. Babson, I believe, the critical issue is in preserving the independence of the general counsel as prosecutor while recognizing the legitimate concerns of the Board in having its position properly advocated in the courts.

Can you assure the committee that should further action be proposed in this matter you will resolve it in such a way that preserves the independence of the office of general counsel?

Mr. JOHANSEN. Yes; because the statute does not work without the general counsel being independent, so they have to be independent.

Senator NICKLES. Both of you are well aware of the backlog and a lot of the criticisms; I am assuming you are aware of the criticisms that have been issued from different fronts, both in the House and the Senate, on the backlog of the Board.

I think part of the backlog has been because of the fact that we have not had a full complement on the Board. I am hopeful that you will be speedily confirmed. Both of you have experience in the field and I hope you can hit the ground running and work diligently with other members of the Board and hopefully get a lot of these cases resolved that have been backlogged for some time.

Do you think that is possible?

Mr. BABSON. Well, as far as I am concerned, Senator Nickles, I am well aware of the problem of the backlog. I think that there is a myth among some in the profession that such a backlog serves the interests of employers. It clearly does not. It is a shortsighted view.

This is an extraordinarily important agency serving an important purpose, and if justice is going to be denied because of delay, it is going to work to the disadvantage of everyone. I pledge to work as hard as I can to eliminate so far as possible, delay in the Board's processes.

Senator NICKLES. Mr. Johansen?

Mr. JOHANSEN. Yes; I would certainly do whatever I can and apply whatever expertise I have to help eliminate that backlog.

Senator NICKLES. As acting general counsel, how large is that backlog?

Mr. JOHANSEN. Well, it is the Board's backlog and the general counsel, of course, is independent of that. But as I understand it, the Board has made some effort and gotten rid of some of the backlog. I do not know the exact figure at this point, but I am sure that we can help eliminate it.

Senator NICKLES. The general counsel is back there grinning at that question when I said "acting."

What would be the terms of your office? The seat that you are filling would be—

Mr. JOHANSEN. Three-and-a-half years; August 1988, I believe it is.

Senator NICKLES. August 1988?

Mr. JOHANSEN. Yes. I am taking the Jenkins seat, the Republican seat.

Senator NICKLES. Mr. Babson.

Mr. BABSON. The seat that I have been nominated to fill expires in December 1989; it is Mr. Zimmerman's seat.

Senator NICKLES. December 1989?

Mr. BABSON. Yes, sir.

Senator NICKLES. Mr. Johansen, you are a Republican?

Mr. JOHANSEN. Yes.

Senator NICKLES. Mr. Babson, a Democrat?

Mr. BABSON. That is correct.

Senator NICKLES. So the makeup of the Board would be, what, 3 to 2?

Mr. JOHANSEN. That is right.

Senator NICKLES. Gentlemen, I appreciate your cooperation before the committee. I also appreciate the fact that my colleagues have left and we were able to conclude this hearing as rapidly as we have.

As mentioned before, I think there may be some additional questions by some of our colleagues. I would appreciate it if you would cooperate and try and get those questions answered as soon as possible. I think it would expedite it moving through the committee and also through the full Senate.

Thank you very much.

Mr. BABSON. Thank you, Senator.

Mr. JOHANSEN. Thank you.

Senator NICKLES. The committee is adjourned.

[Whereupon, at 10 a.m., the committee was adjourned.]